

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-mj-8111-RMM

UNITED STATES OF AMERICA

v.

JAMES PRENDERGAST,  
a.k.a. "furpony"

Defendant.

FILED BY SP D.C.

**Mar 8, 2024**

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - West Palm Beach

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick M. Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No.
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By:

*Gregory Schiller*

Gregory Schiller  
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AO 91 (Rev. 08/09) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the  
Southern District of Florida

United States of America )

v. )

JAMES PRENDERGAST,  
a.k.a. "furpony," )

Case No. 24-mj-8111-RMM )

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*Defendant(s)*

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## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of between February 6 & March 8, 2024 in the county of Palm Beach in the  
Southern District of Florida, and elsewhere, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. § 2252A(a)(3)(B) & (b)(1)

Solicitation and attempted solicitation of child pornography

This criminal complaint is based on these facts:

See attached Affidavit incorporated herein by reference sworn to by FBI Special Agent Gennedy Julien.

☒ Continued on the attached sheet.



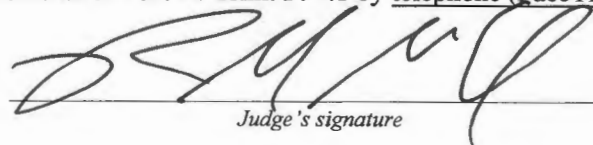
*Complainant's signature*

FBI Special Agent Gennedy Julien

*Printed name and title*

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: 03/08/2024



*Judge's signature*

City and state: West Palm Beach, Florida

United States Magistrate Judge Ryon M. McCabe

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Gennady Julien (the Affiant), been duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Special Agent of the FBI since 2019 and am currently assigned to Miami Division, Palm Beach County Resident Agency. While employed by the FBI, I have investigated a variety of federal criminal violations, including but not limited to: crimes against children, matters related to child pornography, sexual exploitation of minors and child pornography using facilities of interstate or foreign commerce. Moreover, I am a federal law enforcement officer engaged in enforcing criminal laws of the United States, including 18 U.S.C. §§ 2252A et seq.

2. In this capacity, I have investigated child exploitation and internet crimes against children cases. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252, 2252A, and 2242. These investigations have included the use of surveillance techniques, undercover activities, the interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. In the course of these investigations, I have reviewed still images and videos containing child pornography and images depicting minor children engaged in sexually explicit conduct on all forms of electronic media including computers, digital cameras, and wireless telephones, and have discussed and reviewed these materials with other law enforcement officers. I have also participated in training programs for the investigation and enforcement of federal child pornography laws relating to the use of computers for receiving, transmitting, and storing child pornography.

3. The facts set forth in this affidavit are based upon my personal knowledge,

information obtained from others involved in this investigation, including other law enforcement officers, my review of documents and information gained through training and experience. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support a Criminal Complaint, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only those facts I believe are necessary to establish probable cause to believe that **JAMES PRENDERGAST** (hereinafter referred to as “PRENDERGAST”) has violated Title 18, United States Code, Section 2252A(a)(3)(B) and (b)(1) (solicitation and attempted solicitation of an obscene visual depiction of a minor engaging in sexually explicit conduct).

#### **SUMMARY OF THE INVESTIGATION**

4. On January 29, 2024, a Federal Bureau of Investigation (FBI) Online Covert Employee (OCE) was contacted via direct message on the online chat application Kik by the user of profile “cody\_horse16”. This user’s associated name was “Farmboi Toy”. The OCE and “cody\_horse16” had previously interacted in a group chat room setting wherein the theme of the group chat room was incestuous sexual experiences (often referred to as “play”) between parents and their children.

5. “cody\_horse16” opened the conversation by asking if the FBI OCE was also a father. Both admitted to each other to be fathers with daughters whom they played with. “cody\_horse16” commented that he had a three-year-old daughter with which he would “Play some but I don’t fit lol”, which was immediately followed by “coyd\_horse16” sending an image of an adult male with exposed sizeable genitalia. “cody\_horse16 “ then asked the OCE whether his penis would fit in the OCE’s notional daughter, followed by a photo of several sex toys displayed on a towel with the message, “You wanna try some toys”. The FBI OCE later asked,



“So you haven’t done anything at all with yours?” (referring to the three-year-old daughter), to which “cody\_horse16” replied “Just rubbed and fingered”.

6. The OCE and “cody\_horse16” then engaged in some conversation about where they lived, what trucks they drove, and their ex-wives. “cody\_horse16” then again discussed using a sex toy with the OCE’s notional daughter. “cody\_horse16” sent a video of the phallic sex toy known as a “inflating dog knot”, which inflates to larger sizes once inserted into an orifice.

7. The FBI OCE and “cody\_horse16” maintained contact via Kik almost daily until February 6, 2024. During this period of communication, “cody\_horse16” repeatedly inquired as to when the FBI OCE would be in south Florida with his notional children and suggested the use of different sex toys for the FBI OCE’s notional eleven-year-old daughter. “cody\_horse16” additionally supplied a non-explicit photo of a three-year-old girl playing in a diaper which he identified as his daughter.

8. A subpoena for the subscriber information to Kik for user “cody\_horse16” was served. The resulting list of IP addresses used to access this account were registered to Starlink and AT&T. The IP addresses registered to Starlink appeared to be routed through a virtual private network (VPN) preventing law enforcement from immediately identifying the subscriber; however, a previous IP address registered to AT&T belonged to a subscriber named N.L.<sup>1</sup> at a specified address in Shelbyville, Kentucky.

9. Also on February 6, 2024, “cody\_horse16” suggested they move their chats to Telegram.<sup>2</sup> Telegram user @ponypony\_one, an account which bore the associated name

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<sup>1</sup> I have utilized initials in lieu of the fully provided name to protect the identity of the subscriber.

<sup>2</sup> Originally created in Russia, Telegram is a mobile and desktop-based chat platform, which allows for the transmission of chats, media, and live audio and video calling. Telegram is popular among online criminal actors in the United States. Telegram does not disclose where it rents offices or which legal entities it uses to rent them, citing the need to “shelter the team from unnecessary influence” and protect users from governmental data requests.

“Furpony” (hereinafter Furpony) then contacted the FBI OCE on Telegram. The FBI OCE asked why Furpony preferred Telegram, to which he responded, “More secure”. The conversation then immediately delved into the logistics of meeting the FBI OCE and his notional daughter for the purpose of having sex with the daughter. Between February 6, 2024, and March 7 2024, Furpony regularly contacted the FBI OCE to exchange verification media<sup>3</sup> as well as schedule and plan logistics for a rendezvous in south Florida wherein Furpony would engage in sexual acts with the FBI OCE’s notional children:

a. On February 6, 2024, Furpony made a request for sexually explicit media of the FBI OCE’s notional daughter, stating, “Any chance you could get some pics of her pussy before we meet up? Like could set the delete timer so it can’t be saved and will be deleted immediately”.<sup>4</sup>

b. On February 9, 2024, the FBI OCE and Furpony exchanged names. Furpony identified himself as “Cody”, which bore the same spelling as from the username “cody\_horse16”.

c. On February 20, 2024, Furpony sent an image of his exposed erect penis wrapped in a condom. Visible in the photo was a maroon leather couch upon which Furpony was posing for the photographs.

d. On February 23, 2024, Furpony sent another non-explicit image of his three-year-old daughter.

e. On February 27, 2024, while planning a sexual encounter between Furpony and the OCE’s notional children, the following exchange occurred:

Furpony: Are you going to cum in her :3  
Furpony: Would be hot

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<sup>3</sup> Verification media is media exchanged by online users to confirm identity and intent. Criminal actors use verification media in order to confirm the other user is not law enforcement.

<sup>4</sup> Telegram chats and transferred media can have a “self-delete timer” added to them, which deletes the chat after a pre-set amount of time. Records indicate Prendergast used this extensively for his transmissions with the FBI OCE.

OCE: Mmmm  
OCE: Does sound hot  
Furpony: Hehe  
Furpony: lol  
Furpony: Well do you want to  
OCE: Not against it no  
Furpony: lol  
Furpony: Do you want me to  
OCE: Only if you want to  
Furpony: Thought you were against it ?  
Furpony: And wanted me to only do it with condoms  
OCE: Ya I just don't want you to cum inside her  
OCE: Unless you have cond

f. A further exchange on February 27, 2024 included the following:

Furpony: I'd love to see it (kissing winking face emoji)  
OCE: See what  
Furpony: lol  
Furpony: Her pussy  
Furpony: Hehe

10. On March 4, 2024, Furpony requested that the FBI OCE and his notional children meet him in Boca Raton. Furpony advised the Boca Raton was advantageous for their meeting because of accessible truck parking, restaurants, and hotels. Furpony suggested the Walmart in Boca Raton as an option for them to meet and for the FBI OCE to park his notional tractor-trailer style truck.

11. On March 5, 2024, Furpony and the FBI OCE exchanged pictures and descriptions of themselves. Based upon the photos provided as well as the subpoena information recovered earlier, Furpony was identified as JAMES PRENDERGAST, who was a romantic partner of N.L. PRENDERGAST was further identified as a farrier who worked at equestrian centers in South Florida and Kentucky. Queries of law enforcement databases including license plate reader systems showed PRENDERGAST's vehicles (pickup truck and motor cycle) had been active and in Palm Beach County since around December 2023.

12. Further investigation revealed that the three-year-old child which was featured in chats sent by PRENDERGAST likely belonged to the sister of N.L. The determination was made based upon likeness from images sent by PRENDERGAST and social media belonging to N.L.'s sister. Based upon the information and the possible threat to a child, FBI OCE took PRENDERGAST up on his request to meet in person and scheduled for the afternoon of March 7, 2024 at the Walmart located off of Palmetto Road and Route 441 in Boca Raton Florida.

13. PRENDERGAST and the FBI OCE communicated extensively on March 6 and 7 2024. On March 7, 2024, FBI Agents set-up to meet PRENDERGAST at the aforementioned Walmart where he would travel to and meet to have sex with the FBI OCE's notional children. The meet was intended to occur around 3:30 P.M. PRENDERGAST asked the FBI OCE for multiple forms of verification media.

14. Shortly thereafter, FBI Agents located PRENDERGAST's pickup truck, motor cycle and fifth-wheel mobile home trailer at the Delray Equestrian Center, 14830 Smith Sundry Road, Delray Beach, Florida 33446. This location was approximately twenty minutes from the Boca Raton Walmart. Surveillance was initiated upon the vehicle, which did not move.

15. On March 7, 2024, in a request for verification media, PRENDERGAST sent a photograph of several sex toys on a maroon leather couch. PRENDERGAST requested verification photographs of the FBI OCE's notional child, to which the FBI OCE responded with photos of a minor-presenting female laying down and sitting in the bunk of a truck cab. The pictures were not explicit and were focused on the lower extremities. PRENDERGAST was not satisfied with the pictures. The FBI OCE asked what PRENDERGAST wanted the child to do. PRENDERGAST responded as follows:

PRENDERGAST: Maybe just take a vid and show me around the cab lol.  
What's your son doing



OCE: Son is up top with d  
OCE: Bro idk what you wanna see  
OCE: [sends two photographs of a bed in the truck without any person visible]  
PRENDERGAST: Thought I was going to see them sittin on that bed lol  
PRENDERGAST: I can tell that's your sleeper , the other pic of her just didn't look like it  
OCE: Okay how so lol  
PRENDERGAST: Idk like just couldn't tell if it was in your bunk was all. Idk if you could take another on the lower one with better light or something  
OCE: Bruh  
OCE: Okay  
OCE: She has to get dressed  
PRENDERGAST: lol  
PRENDERGAST: Lol I mean undressed is fine too  
OCE: Lol  
OCE: What u wanna see  
PRENDERGAST: lol  
PRENDERGAST: How about bent over your bottom bunk holding her cheeks apart se we can see her push  
PRENDERGAST: Pussy \*  
PRENDERGAST: Hehe  
OCE: lol that's extravagant  
OCE: I was thinking more of a number or fingers...<sup>5</sup>  
PRENDERGAST: lol  
OCE: what you want her to do  
PRENDERGAST: Bend over your bottom bunk and show you her pussy by spreading her cheeks  
PRENDERGAST: :)

16. Ultimately, PRENDERGAST did not leave his trailer and did not meet the OCE's notional children at the Boca Raton Walmart. PRENDERGAST expressed remorse for not arriving at the scheduled meet and stated, "I feel shitty for wasting time too I should have sucked it up". Furthermore, referring to the three-year-old child, PRENDERGAST stated, "I'll try and get some naughty pics of mine for you".

17. Based upon PRENDERGAST's request and solicitation for the FBI OCE to

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<sup>5</sup> Using a specified figure with a hand or number of fingers near a child, as agreed upon by both parties to the communication is a common way for offenders to verify the photograph is real.

produce child pornography and his indication that he may produce child pornography of the three-year-old child, FBI Agents made a probable cause arrest at PRENDERGAST's trailer. PRENDERGAST was called out of the trailer and exited after several minutes with a cellular telephone in his hand. PRENDERGAST was taken into custody safely without incident. At the time of his arrest at his residence, a fifth-wheel mobile home, PRENDERGAST's pickup truck and motorcycle were parked.

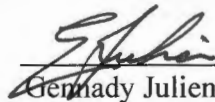
18. PRENDERGAST was mirandized and agreed to speak with law enforcement. During his interview with Agents, PRENDERGAST admitted to transmitting non-explicit pictures of a three-year-old girl online. PRENDERGAST denied ever sexually abusing the girl, and claimed the transmitted media was found on "Google." PRENDERGAST denied talking to any other individuals who were sexually abusing their children. PRENDERGAST additionally reported he lived alone in the trailer and did not have friends or family in the area who visited. PRENDERGAST advised he had been in South Florida and does not really travel. During the interview, PRENDERGAST was offered to make a phone call. When PRENDERGAST called his father, he asked his father to reach out to "N." and "Todd." N. is believed to be the same "N.L." from the AT&T subscriber records.

19. PRENDERGAST was advised that Agents wished to search his phone, his pickup truck, his motorcycle, and his trailer for digital devices and items pertaining to his online activity. PRENDERGAST provided consent to search the aforementioned property. Recovered from the search was an iPad, iPhone, black USB, and several sex toys that were featured in photographs sent to the FBI OCE. Additionally observed within the trailer was a maroon leather couch which was also visible in multiple photos sent by PRENDERGAST to the FBI OCE. While in the residence, agents observed a handwritten note to "N." apologizing.

**CONCLUSION**

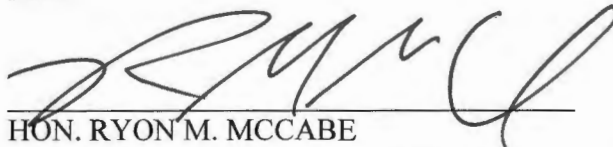
For these reasons, your Affiant respectfully submits that there is probable cause to believe that James PRENDERGAST, a.k.a. "furpony", violated 18 U.S.C. § 2252A(a)(3)(B) and (b)(1) within the Southern District of Florida and elsewhere by soliciting and attempting an obscene visual depiction of a minor engaging in sexually explicit conduct.

Respectfully submitted,



Germaine Julien  
Special Agent  
Federal Bureau of Investigation

*in person* Subscribed and sworn to me by applicant by telephone (~~Facetime~~) per the requirements of Fed. R. Crim. P. 4.1 on this 8th day of March 2024.



HON. RYON M. MCCABE  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JAMES PRENDERGAST

Case No: 24-mj-8111-RMM

Count #1:

Solicitation and attempted solicitation of child pornography

18 U.S.C. § 2252A(a)(3)(B) and (b)(1)

**\* Max. Term of Imprisonment:** 20 years

**\* Mandatory Min. Term of Imprisonment (if applicable):** 5 years

**\* Max. Supervised Release:** Life (mandatory minimum term of 5 years)

**\* Max. Fine:** \$250,000 fine and a \$5,000 special assessment

**\*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

Case No. 24-MJ-8111-RMM

BOND RECOMMENDATION

DEFENDANT: JAMES PRENDERGAST

Pre-Trial Detention  
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: Gregory Schiller  
(AUSA: Gregory Schiller)

Last Known Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What Facility: \_\_\_\_\_

\_\_\_\_\_

Agent(s): FBI SA Gennady Julien  
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)